

## **REMARKS**

Claims 48, 124-130, 184-191, 198, 199 and 204-229 are pending. Claims 48, 124-130, 184-191, 198, 199 and 204-229 are rejected. Applicants respectfully submit that the claims as indicated are in condition for allowance.

### **Double Patenting Rejections**

Claims 48, 124-130, 184-191, 198, 199 and 204-229 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims of United States Patent numbers: 6,716,415 issued 4/6/2004; 6,716,416 issued 4/6/2004; 6,716,417 issued 4/6/2004; 6,737,042 issued 5/18/2004; 6,737,043 issued 5/18/2004; 6,740,307 issued 5/25/2004; 6,740,308 issued 5/25/2004; 6,740,309 issued 5/25/2004; 6,743,415 issued 6/1/2004; 6,759,029 issued 7/6/2004; 6,776,978 issued 8/17/2004; 6,780,399 issued 8/24/2004; 6,780,400 issued 8/24/2004; 6,783,753 issued 8/31/2004; 6,803,031 issued 10/12/2004; 6,805,853 issued 10/19/2004; 6,805,854 issued 10/19/2004; 6,814,954 issued 11/9/2004; 6,814,955 issued 11/9/2004; 6,855,310 issued 2/15/2005; 6,884,408 issued 4/26/2005; 6,994,843 issued 2/7/2006; 7,005,121 issued 2/28/2006; 7,005,122 issued 2/28/2006; 7,008,615 issued 3/7/2006; 7,008,616 issued 3/7/2006; 7,011,819 issued 3/14/2006; 7,011,820 issued 3/14/2006; 7,014,840 issued 3/21/2006; 7,014,841 issued 3/21/2006; 7,018,619 issued 3/28/2006; 7,018,620 issued 3/28/2006; 7,018,621 issued 3/28/2006; 7,022,312 issued 4/4/2006; 7,029,658 issued 4/18/2006; 7,033,575 issued 4/25/2006; 7,045,118 issued 5/16/2006; 7,045,119 issued 5/16/2006; 7,048,909 issued 5/23/2006; 7,052,679 issued 5/30/2006; 7,052,680 issued 5/30/2006; 7,060,254 issued 6/13/2006; 7,060,255 issued 6/13/2006; 7,063,830 issued 6/20/2006; 7,063,831 issued 6/20/2006; 7,063,832 issued 6/20/2006; 7,067,114 issued 6/27/2006; 7,070,761 issued 7/4/2006; 7,070,762 issued 7/4/2006; 7,070,763 issued 7/4/2006; 7,070,764 issued 7/4 /2006; 7,070,765 issued 7/4/2006; 7,070,766 issued 7/4/2006; 7,078,016 issued 7/18/2006; 7,078,017 issued 7/18/2006; 7,078,018 issued 7/18/2006; 7,078,019 issued 7/18/2006; 7,078,020 issued 7/18/2006; 7,087,216 issued 8/8 /2006; 7,087,217 issued 8/8 /2006; 7,087,218 issued 8/8/2006; 7,090,830 issued 8/15/2006; 7,094,392 issued 8/22/2006; 7,108,847 issued 9/19/2006; 7,115,250

issued 10/3 /2006; 7,169,378 issued 1/30/2007; **7,442,368 issued 10/28/2008; 7,449,172 issued 11/11/2008; 7,449,173 issued 11/11/2008; 7,449,174 issued 11/11/2008; 7,449,175 issued 11/11/2008; 7,465,436 issued 12/16/2008; 7,465,437 issued 12/16/2008; 7,470,421 issued 12/30/2008** and United States Application Serial numbers: 11/488,302 filed 7/18/2006; 11/451,853 filed 6/13/2006; 11/479,361 filed 6/30/2006; 11/507,986 filed 8/22/2006; 11/479,509 filed 6/30/2006; 11/501,246 filed 8/7/2006; and 10/633,877 filed 8/4/2003. The Patent numbers listed in bold type were listed in the Office Action as application numbers. Office Action at 7-8. Terminal Disclaimers with respect to the above listed patents and application are submitted herewith.

Applicants believe that the filing of these Terminal Disclaimers addresses the Examiner's concerns and respectfully request reconsideration of the application, withdrawal of all rejections, and allowance of the application in view of these actions and remarks.

Claims 48, 124-130, 184-191, 198, 199 and 204-229 also have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application Nos. 10/146,088 (filed 5/13/2002); 10/437,643 (filed 5/13/2003); 10/633,876 (filed 8/4/2003) and 11/670,892 (filed 2/2/2007). Office Action at 7-8. According to the Manual of Patent Examining Procedure (Rev. 5, Aug. 2006) ("MPEP") "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." MPEP § 804 I.B.1 The present application was filed on October 26, 2001. Reconsideration is respectfully requested.

**Conclusion**

Applicants appreciate the Examiner's careful and thorough review of the application. Applicants request the Examiner to allow the application. In the event the Examiner believes a telephonic discussion would expedite allowance or help to resolve outstanding issues regarding prosecution of the application, then the Examiner is invited to call the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to Deposit Account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to Deposit Account No. 19-5117.

Respectfully submitted,

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